

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DAVID FINKLENSTEIN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ANDREW FOX, LEAH SCHWELLER, and  
CRAIG DENSON,

Defendants.

Case No. 1:24-cv-04056 (JMF)

CLASS ACTION

**~~[PROPOSED]~~ ORDER REGARDING  
DUTIES AND RESPONSIBILITIES  
OF LEAD PLAINTIFF AND LEAD  
COUNSEL, AND SCHEDULE FOR  
FILING OF AMENDED  
COMPLAINT AND ANSWER OR  
MOTION TO DISMISS**

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on August 30, 2024, the Court issued an order (the “Order”) that, *inter alia*, (i) appointed the Brooklyn Investor Group as Lead Plaintiff and (iii) approved the Brooklyn Investor Group’s selection of Kirby McInerney LLP (“Kirby McInerney”) and Rolnick Kramer Sadighi LLP (“RKS”) as Co-Lead Counsel (ECF No. 44).

WHEREAS, the Order further provided that, no later than September 5, 2024, Lead Plaintiff shall confer with Defendants and file a revised proposed Order setting forth the duties and responsibilities of Lead Plaintiff and Co-Lead Counsel, as well as deadlines for the filing of any amended complaint and answer or motion to dismiss;

WHEREAS, Co-Lead Counsel have conferred with undersigned counsel for Defendants Andrew Fox, Lead Schweller, and Craig Denson and jointly file the below Proposed Order;

**IT IS HEREBY ORDERED THAT:**

1. Kirby McInerney and RKS shall manage the prosecution of this litigation as Co-Lead Counsel. Co-Lead Counsel are to avoid duplicative or unproductive activities and are hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct discovery; (4) to prepare the case for trial; and (5) to engage in settlement negotiations on behalf of Lead Plaintiff and the Class.

2. Lead Plaintiff shall file an amended complaint no later than sixty (60) days from the date of this Order.

3. Defendants shall respond to the amended complaint within sixty (60) days of service of the amended complaint or notice of designation of an operative complaint.

4. If Defendants file a motion to dismiss the amended complaint, Plaintiff shall serve papers in opposition to such motion within forty-five (45) days of service of the motion.

5. If Defendants file a motion to dismiss the amended complaint or operative complaint, they shall serve reply papers in support of such motion within thirty (30) days of service of Plaintiff's opposition papers.

**IT IS SO STIPULATED.**

Dated: September 5, 2024

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*Attorneys for Lead Plaintiff the Brooklyn  
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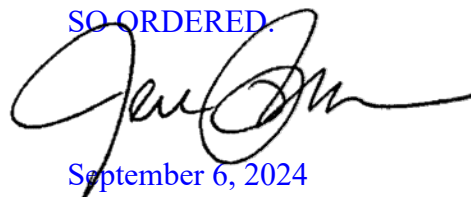
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Leah Schweller*

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*Attorneys for Defendant Andrew Fox*

**SO ORDERED.**



**September 6, 2024**